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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/874,700

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Craig J. McClanahan

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EXAMINER

BAYAT, ALI

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,700

Applicant(s)

MCCLANAHAN ET AL.

Examiner

Ali Bayat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3 and 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 42-53 been renumbered 41-52.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 9-12, 17-37, 39-41 and 46-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Corrigan et al. (US Pub. No. 2003/0163262 A1).

In regard to claim 1, Corrigan provides for a computer system for providing a color solution to a customer, comprising: a first module located at a remote location and being adapted to receive a solution request from an operator (Fig.1 element 10, paragraph 22 lines 7-13); and second module coupled to the first module and being located at a central location (Fig.1 see main frame, select best matching formula

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paragraph 22 lines 15-21), the second module including a composite solution database and a search routine coupled to the composite solution database and being adapted to receive the solution request from the first module (Fig.1 element 30, paragraph 47), the search routine being adapted to search the composite solution database and determine the color solution as a function of the solution request (paragraph 22 lines 16-24).

With regard to claims 2-3 and 33 Corrigan provides for a computer system, wherein the first and second modules are coupled by a computer network (paragraph 22, lines 14-24).

As to claims 4 and 34 Corrigan provides for a computer system, including a customer interface implemented on the first module (paragraph 20 lines 9-10).

In regard to claims 5 and 35 Corrigan provides for a computer system, wherein the second module includes a customer and solution usage database, wherein the second module is adapted to store customer information thereon (Fig.1 element 30, paragraph 47).

With regard to claims 6-7 and 36-37 Corrigan provides for a computer system, wherein the customer information includes information about the customer's use of the system and customer identifier (paragraph 18-19, note the VIN number of vehicle).

As to claims 9 and 39 see claim 1 above. They recite similar limitations as claim 1. Hence they are similarly analyzed and rejected.

In regard to claims 10-11 and 40 Corrigan provides for a computer system, including a color measurement device adapted to take a color measurement of a

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sample and solution request includes the color measurement (paragraph 22 lines 12-13).

With regard to claims 12 and 41 Corrigan provides for a computer system, wherein the color measurement consists of reflectance values (paragraph 56 lines 11-15).

As to claims 17,29 and 46 Corrigan provides for a computer system, wherein the solution request includes a color measurement of a sample (paragraph 22 lines 11-12) and the second module includes a color measurement database (Fig.1 element 30), the second control module being adapted to store the color measurement thereon (Fig.1 element 30 also paragraph 48).

In regard to claim 18 Corrigan provides for a computer system, wherein the color measurement database includes color measurement data obtained by inspectors (paragraph 47 lines 11-13, note that manufacturers' data transmitted to the central computer in step 30 from vehicle manufacturers, therefore it is inherent that quality of the paint was checked by inspectors prior to sending the paint formula to the central computer in step 30).

With regard to claims 19 and 47 Corrigan provides for a computer system, wherein the composite solution database includes at least one formulation for a plurality of colors (Fig.1 paragraph 43).

As to claims 20 and 48 Corrigan provides for a computer system, wherein the composite solution database includes a color measurement associated with each formulation (paragraph 22 lines 11-13).

In regard to claims 21 and 49 Corrigan provides for a computer system, wherein the solution request includes a color code and a color measurement of a sample, and wherein the color solution is determined as a function of the color code and the color measurement (paragraph 22 lines 6-16).

With regard to claims 22, 30 and 50 Corrigan provides for a computer system, wherein the second module includes means for deriving a new color solution as a function of the solution request if an acceptable solution is not found in the composite solution database (paragraph 24).

As to claims 23 and 51 Corrigan provides for a computer system, wherein the second module includes means for performing a consistency check on the solution request (Fig.1 see main frame and step 16, paragraph 22 lines 16-21).

In regard to claims 24,31 and 52 Corrigan provides for a computer system, wherein the second module includes means for determining and employing acceptable tolerances for the color solution (paragraph 63 lines 7-14).

With regard to claims 25-26 Corrigan provides for a computer system, wherein the solution request includes information identifying a source of the sample and desired paintline (paragraph 22 lines 6-24).

As to claims 27 and 32 see claim 1 above. They recite similar limitations as claim 1. Hence they are similarly analyzed and rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrigan et al. (US Pub.No 2003/0163262 A1) in view of Nye (US Pub.No 2002/0156917 A1).

In regard to claims 8 and 38 Corrigan provides for a customer information (paragraph 22 lines 6-11) Corrigan does not provide for a number of times the system has been accessed by the customer. Nye provides for a number of times the system has been accessed by the customer (paragraph 158). The prior art of Corrigan and Nye are combinable because they are from the same field of endeavor (computer network). At time the invention. It would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Nye (counter that collects the number of time an ad is actually clicked on), with the system and method of Corrigan, because the invention of Nye relates to generally to computer networks and more specifically to providing an attribute bounded network of computers (paragraph 2). Therefore, it would have been obvious to combine prior art of Nye with prior art Corrigan to obtain the invention as specified in claims 8 and 38.

4. Claims 13-16 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrigan et al. (US Pub. No 2003/0163262 A1) in view of Rice et al. (US Pub. No 2003/0174143 A1).

In regard to claims 13-14 and 42-43 Corrigan provides for color measurement (paragraph 22 lines 11-13). Corrigan does not provide for tristimulus values and color

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space values. Rice provides for tristimulus values and color space values (paragraph 62 see L, a, b also L, c, h). The prior art of Corrigan and Rice are combinable because they are from the same field of endeavor (paint color matching). At time the invention. It would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Rice (paragraph 62 see L, a, b also L, c, h) with the system and method of Corrigan, because the invention of Rice relates to an architectural paint color matching and coordinating system paragraph 3. Therefore, it would have been obvious to combine prior art of Rice with prior art Corrigan to obtain the invention as specified in claims 13-16 and 42-45.

With regard to claims 15 and 44 Corrigan provides for color measurement (paragraph 22 lines 11-13). Corrigan does not provide for color space values represent luminous intensity, red/green appearance, and yellow/blue appearance. Rice provides for color space values represent luminous intensity, red/green appearance, and yellow/blue appearance (paragraph 62, see L, a, b which corresponds to luminous intensity, red/green appearance, and yellow/blue appearance respectively, also note paragraph 10).

As to claims 16 and 45 Corrigan provides for color measurement (paragraph 22 lines 11-13). Corrigan does not provide for color space values represent lightness, chroma, and hue. Rice provide for color space values represent lightness, chroma, and hue (Fig.1 paragraph 47).

Other Cited References

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Pub. No 2002/0052862 A1 to Scott et al. is cited for method and system for supply chain product and process development collaboration.

US Pub. No 2003/0110101 A1 to Friel et al. is cited for distributed paint manufacturing system.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 703-306-5915.

The examiner can normally be reached on M-Thur 9:00-7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-3085246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Ali Bayat
Patent examiner

Group Art Unit 2628/6/04



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